

REMARKS

The Applicant does not believe that examination of the response contained herein will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the response contained herein be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated December 28, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. The Office Action dated December 28, 2005 rejects Claims 1-20.

The Office Action rejects of Claims 1-16 under the provisions of 35 U.S.C. §102(b) as being anticipated by "Integrated Data-casting Solutions for Digital TV (6/1999)" published by Motorola Inc. (hereinafter referred to as Motorola), or in the alternative, under the provisions of 35 U.S.C. §102(b) as being obvious over U.S. Patent Publication 2005/0111823 in the name of Dureau (hereinafter referred to as Dureau).

The rejection contends that Motorola discloses a storage medium for storing selected portions of transmitted data cast streams as defined by the rejected claims. The Applicant does not concur with this allegation. The Applicant, respectfully, points out that the rejected claims define a controller within the local broadcast facility capable of receiving a first datacast stream transmitted by the television broadcast system and detecting therein a plurality of datacast blocks, the controller employs a first content parameter associated with a first one of the datacast blocks with at least one subscriber-specific parameter associated with the data storage apparatus and the controller, in response to a determination that the first content parameter matches said at least one subscriber-specific parameter, stores said first datacast block in said storage medium. The Applicant respectfully points out that there is no "local broadcast facility" within the

cited references that can be seen as disclosing or suggesting the "local broadcast facility" as defined by the present invention.

Within the present invention, the content is filtered at a local broadcast facility. Motorola discloses multicasting that can be tailored, but the tailoring is accomplished at a specific targeted PC, not at the local broadcast facility as taught by the present invention.

The foregoing amendment has added the feature of the invention wherein a transmission device within the local broadcast facility that is configured to transmit said first data cast in accordance with said first content parameter. The Applicant asserts that there is no disclosure or suggestion for this subject matter within Motorola.

The teachings of Dureau relates to networking of smart toys. The Examiner has selected a single phrase within Dureau for "user profile" and used this single term to reject each and every element within Claims 1-16. The Applicant, respectfully, points out that all the elements must be found within the cited prior art. The rejection makes no attempt to find all the elements within Dureau using the cursory statement that it would have been obvious without detailing where within Dureau the various elements of Claim 1-16 are to be found. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. MPEP § 2142. The rejection does not meet, or even address, any of the foregoing requirements. Therefore, a *prima facie* case of obviousness has not been made, and this rejection is traversed.

The Office Action rejects of Claims 17-20 under the provisions of 35 U.S.C. §102(b) as being anticipated by Motorola, or in the alternative, 35 U.S.C. §103(a) as being unpatentable over the known prior art. The rejection states that Motorola discloses the limitations associated with a TV broadcasting system capable of

transmitting data-cast streams to a plurality of storage apparatuses. The Applicant, respectfully, disagrees. There is no disclosure or suggestion within the cited references for a transmission controller capable of causing a first of said plurality of transmission queues to be transmitted in a broadcast transmission receivable by all of said plurality of data storage apparatuses and further capable of causing a second of said plurality of transmission queues to be transmitted in a multicast transmission,

The Examiner has taken official notice that providing queues or placeholders for data casting, or an order of transmission, operating as such as a FIFO or other type of ordering device is well known. The Applicant respectfully asserts that the official notice taken by the Examiner is in error. It is not well known to provide the order of transmission as defined by the rejected claims. Regarding official notice that the Examiner has taken for using queues or placeholders for data casting, or an order of transmission, the Examiner states that U.S. Patent No. 5,898,687 in the name of Harriman et al. shows queues for multicasting and uni-casting that are priority based. The Examiner's position is that Harriman et al. disclosing priority based queues in multicasting and uni-casting renders obvious all uses of queues within a system that performs multicasting and uni-casting. The Applicant, respectfully, disagrees. Harriman et al. teach storing a single copy of each multicast data and to replicate only an address pointer for that memory location for each destination of the multicast connection (see col. 4, lines 56-61). There is no disclosure or suggestion within Harriman et al. for a transmission controller capable of causing a first of the transmission queues to be transmitted in a broadcast transmission receivable by all and further capable of causing a second transmission of queues to be transmitted in a multicast transmission, wherein selected portions of web page data in the second transmission queue are receivable by only selected subgroups of the plurality of data storage apparatuses. Harriman et al. teach only to transmit a replicate of an address pointer for that memory location for each destination of the multicast connection. The Applicant, respectfully, asserts that none of the references cited for implementing queues disclose or suggest the implementation of queues as defined by the rejected claims. Therefore, there remain features within the rejected claims that are not found within the cited references. The Applicant does not concur with the Examiner's reasoning that any disclosure of the use of queues for

multicast transmission renders all uses obvious.

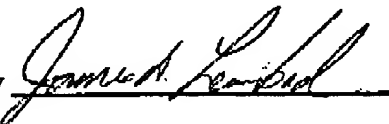
The Applicant respectfully points out that Motorola on page 6 discusses that content can be cached on a server where it can be branded and scheduled for broadcast. There is no disclosure, or suggestion, within Motorola for the provision of multiple caches as recited by the rejected claim. Accordingly, this rejection is respectfully, traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

The Commissioner is hereby authorized to charge any fees associated with the filing of this response to Account No. 50-3745, including extension fees but excluding issue fees, and to credit the same account with any overpayments.

Respectfully submitted,

By 

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